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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,256	06/15/2000	Yoshinori Kumasaka	SHC0012	8977

7590

05/31/2002

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EXAMINER

REICHLE, KARIN M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

68/595256

Applicant(s)

Kumasaka

Examiner

Reiche

Group Art Unit

3761

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2-26-02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-6, 8 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6, 8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 2-26-02 is ☒ approved ☐ disapproved.
- ☒ The drawing(s) filed on 6-15-00 is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

1. Page 1, line 9 and page 4, line 10 of the marked up copy and similar portions of the claim copy of the substitute specification were corrected by the Examiner in red ink to bring such into compliance with 37 CFR 1.121.
2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 26, 2002 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.
3. The drawings are objected to because in Figures 1 and 2 a line should be drawn from each numeral, e.g., 18, 18A, 18B, to the structure it denotes. In Figure 1, the lower right 19 appears to denote structure already designated 31.
4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 4, lines 10-14 of the substitute specification.
5. Claims 1-6 and 8 are objected to because of the following informalities: in claim 1, line 1, "and" should be deleted. On line 2, "and" (1st) should be deleted. On line 5, "on" should be -- one --. In claim 8, line 2, "integrally" should be -- integral -- and "continuously" should be -- continuous --. On line 3, after "circumferential" should --

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direction -- be inserted? On line 6, "of the length" should be deleted. Appropriate correction is required.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimberly - Clark '550.

Claims 1-3: See Figures, page 2, lines 18-31, page 2, line 53- page 3, line ³ page 3, ^{lines} 48-53, page 5, line 38 - page 6, line 10.

Claims 4-6: see portions cited with respect to claims 1-3 and page 6, lines 8-48.

It is noted that the covering area as claimed need not encompass the entire circumferential direction of said at least one of said front and rear waist regions.

Claim 8: see page 7, lines 6-9.

8. Applicant's remarks on page 6, page 7, and page 8, line 1-16 have been noted but are either deemed moot in that such issue has not been reraised or deemed nonpersuasive for the reasons set forth supra.

9. Applicant's remarks on page 8-10 with regard to the prior art have been considered but are deemed nonpersuasive in that they are narrower than the rejection by Examiner, e.g., the Examiner does not concede as set set forth on page 9, lines 7-8 but merely explains the scope of the claim language, and narrower than the teachings of the prior art, e.g. the elastic zone is the waistband 32, and the second member is a layer of the waist band.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any new grounds of rejection were necessitated by the amendments made by Applicant.

The Examiner's regular work schedule is Monday-Thursday.

Any inquiry concerning this communication should be directed to Karin Reichle at telephone number (703) 308-2617.

K. Reichle:bhw

May 16, 2002

K. M. Reichle
Karin M. Reichle
Patent Examiner

Aaron J. Lewis
Aaron J. Lewis
Primary Examiner